

6744. Adulteration of tomatoes. U. S. * * * v. William W. Finney. Plea of guilty. Fine, \$75 and costs. (F & D No. 9105. I. S. Nos. 8548-p, 8549-p, 8566-p)

On November 18, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William W. Finney, Belair, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 30, 1917, and November 17, 1917 (2 shipments), from the State of Maryland into the State of Texas, of quantities of an article labeled in part, "Quarryville Brand Tomatoes," or "Grabosco Brand Tomatoes," which was adulterated.

Examination of samples of the article by the Bureau of Chemistry of this department showed from the immersion refractometer readings of the juice at 20° C., the addition of water to the tomatoes estimated to be at least 10 per cent.

Adulteration of the article in each shipment was alleged in substance in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

On November 18, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$75 and costs.

J. R. RIGGS, *Acting Secretary of Agriculture.*

6745. Adulteration of tomato pulp. U. S. * * * v. Oliver P. Roberts, James H. Roberts, William H. Roberts, M. Raymond Roberts, and James O. Langrall (Roberts Brothers). Pleas of guilty. Fine, \$50 and costs. (F. & D. No. 9107. I. S. No. 2584-p.)

On December 30, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Oliver P. Roberts, James H. Roberts, William H. Roberts, M. Raymond Roberts, and James O. Langrall, copartners, trading as Roberts Brothers, Baltimore, Md., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about October 13, 1917, from the State of Maryland into the State of Florida, of a quantity of an article labeled in part, "Big R Brand Tomato Pulp," which was adulterated.

Examination of a sample of the article by the Bureau of Chemistry of this department showed it to be a partially decomposed vegetable product.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 30, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50 and costs.

J. R. RIGGS, *Acting Secretary of Agriculture.*

6746. Adulteration and misbranding of Sweet-Heart-Cherry. U. S. * * * v. Robert L. Horton, John T. Windhorst, and Albert R. Walker (Foss Fruit Syrup Co.). Plea of guilty by Robert L. Horton. Fine, \$50 and costs. Nolle prosequi as to other defendants. (F. & D. No. 9110. I. S. No. 10006-p)

On November 19, 1918, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert L. Horton, John T. Windhorst, and Albert R. Walker, trading as the

Foss Fruit Syrup Co., St. Louis, Mo., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about June 8, 1917, from the State of Missouri into the State of Illinois, of a quantity of an article labeled in part, "Sweet-Heart-Cherry * * * Prepared by Foss Fruit Syrup Co., St. Louis, Mo., U. S. A.," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this Department showed the following results:

Solids by refractometer (per cent)-----	53.25
Non-sugar solids (per cent)-----	0.95
Sucrose by copper reduction (per cent)-----	0.10
Reducing sugars before inversion (per cent)-----	52.2
Benzaldehyde (grams per 100 cc.)-----	0.008
Total acidity as citric (grams per 100 cc.)-----	1.02
Ash (per cent)-----	0.02

Color (vegetable dye): Cudbear.

The above results show the product to be an imitation cherry sirup, artificially colored.

Adulteration of the article was alleged in the information for the reason that it was a product inferior to cherry sirup, to wit, an artificially flavored product composed largely of sugar sirup and citric acid, and containing little, if any, fruit sirup, prepared in imitation of cherry sirup, and was artificially colored so as to simulate the appearance of cherry sirup and in a manner whereby its inferiority to cherry sirup was concealed.

Misbranding of the article was alleged for the reason that the statement, to wit, "Cherry, a combination of pure cherry products," borne on the label attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that it was, to wit, cherry sirup, a combination of pure cherry products; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was, to wit, cherry sirup, a combination of pure cherry products, whereas, in truth and in fact, it was not cherry sirup, a combination of pure cherry products, but was an artificially flavored mixture which contained little or no cherry products; and for the further reason that it was an artificially flavored mixture which contained little or no cherry products, artificially colored and prepared in imitation of, to wit, pure cherry sirup, and was sold under the distinctive name of another article, to wit, cherry.

On December 9, 1918, one of the defendants, Robert L. Horton, entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs. A nolle prosequi was entered as to the other defendants.

J. R. Riggs, Acting Secretary of Agriculture.

6747. Adulteration and misbranding of Hostalley's Hypophosphites (Syr. Hypophos. Comp.) and Hostalley's Chemically Pure Hypophosphites (Sol. Hypophos. Comp.). U. S. * * * v. William H. Hostalley (W. H. Hostalley & Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 9112. I. S. Nos. 1886-1887-p.)

On February 24, 1919, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William H. Hostalley, trading as W. H. Hostalley & Co., Philadelphia, Pa., alleging the shipment on or about November 2, 1917 (2 shipments), by said defendant, in violation of the Food and Drugs Act, as amended, from the State of Pennsylvania, into the State of Maryland, of a quantity, of an article